

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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TWENTY-NINTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 8, 2010

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Stephen Grammer, Page.

### Approval of Journal

February 8, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 5, 2010

Mr. Speaker:

I transmit herewith enrolled [S 1268](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1268](#) and, when so signed, ordered it returned to the Senate.

February 5, 2010

Mr. Speaker:

I transmit herewith [S 1254](#), [S 1255](#), [S 1256](#), [S 1257](#), [S 1292](#), and [S 1293](#) which have passed the Senate.

WOOD, Secretary

[S 1254](#), [S 1255](#), [S 1256](#), [S 1257](#), [S 1292](#), and [S 1293](#) were filed for first reading.

February 5, 2010

Mr. Speaker:

I return herewith [H 406](#) which has passed the Senate.

WOOD, Secretary

[H 406](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 8, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 480](#), [H 481](#), [H 482](#), [H 483](#), [H 484](#), [H 485](#), and [H 486](#).

CLARK, Chairman

[H 480](#), [H 481](#), [H 482](#), [H 483](#), and [H 484](#) were referred to the Health and Welfare Committee.

[H 485](#) was referred to the State Affairs Committee.

[H 486](#) was referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 487 BY BUSINESS COMMITTEE

AN ACT

RELATING TO GROUP INSURANCE; AMENDING SECTION 67-5767, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MAY PROVIDE GROUP INSURANCE BENEFITS TO IDAHO EMPLOYERS.

#### HOUSE BILL NO. 488 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622VV, IDAHO CODE, TO PROVIDE FOR A REBATE OF SALES OR USE TAX PAID FOR CERTAIN AIRCRAFT REPAIRS, TO PROVIDE PROCEDURES AND TO PROVIDE FOR A DEFINITION OF "NONRESIDENT"; AND PROVIDING A SUNSET DATE.

#### HOUSE BILL NO. 489 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO LOCAL IMPROVEMENT DISTRICTS; AMENDING SECTION 50-1722, IDAHO CODE, TO PROVIDE WHEN A LOCAL IMPROVEMENT DISTRICT IS CREATED BY RESOLUTION OF THE CITY COUNCIL THAT NO BONDS, REGISTERED WARRANTS OR INTERIM WARRANTS IN AN AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR MORE MAY BE ISSUED UNLESS SUCH ISSUANCE IS APPROVED, EITHER BY NOT LESS THAN SIXTY PERCENT OR MORE OF THE RESIDENT OWNERS OF TAXABLE PROPERTY WITHIN THE DISTRICT OR TWO-THIRDS OF THE OWNERS OF TAXABLE PROPERTY SUBJECT TO ASSESSMENT WITHIN SUCH LOCAL IMPROVEMENT DISTRICT VOTING ON THE QUESTION AT AN ELECTION CALLED FOR THAT PURPOSE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

#### HOUSE BILL NO. 490 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602, IDAHO CODE, TO PROVIDE THE ANNUAL APPROVAL PROVISION SHALL NOT APPLY TO A CERTAIN PROPERTY TAX EXEMPTION AS LONG AS CERTAIN CONDITIONS OCCUR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-602NN, IDAHO CODE, TO REVISE THE DEFINITIONS OF "NEW PLANT AND BUILDING FACILITIES" AND "TAX INCENTIVE CRITERIA" AND TO PROVIDE THE EFFECT OF THE ANNUAL APPROVAL PROVISION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 491**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO STATEMENTS REGARDING PROPOSED CONSTITUTIONAL AMENDMENTS; AMENDING SECTION 67-453, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CAUSE TO BE PRINTED IN THE VOTERS' PAMPHLET THE ARGUMENTS FOR AND AGAINST CONSTITUTIONAL AMENDMENTS PREPARED BY THE LEGISLATIVE COUNCIL AND THE QUESTION TO APPEAR ON THE BALLOT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 492**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO COUNTY CORONERS AND VITAL STATISTICS; AMENDING SECTION 39-252, IDAHO CODE, TO REVISE FEES THE STATE REGISTRAR SHALL BE ENTITLED TO RECEIVE, TO PROVIDE A FEE FOR CERTIFIED COPIES OF DEATH CERTIFICATES, TO PROVIDE FOR REMITTANCE OF FEES, TO PROVIDE FOR WHAT THE FEES MAY BE USED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-622, IDAHO CODE, TO REQUIRE NEWLY ELECTED OR APPOINTED COUNTY CORONERS WITHIN ONE YEAR OF TAKING OFFICE TO ATTEND A CORONER'S SCHOOL EITHER SPONSORED OR ENDORSED BY THE IDAHO STATE ASSOCIATION OF COUNTY CORONERS; AND AMENDING CHAPTER 28, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2810, IDAHO CODE, TO PROVIDE CONTINUING EDUCATION REQUIREMENTS FOR COUNTY CORONERS.

[H 487](#), [H 488](#), [H 489](#), [H 490](#), [H 491](#), and [H 492](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1292](#) and [S 1293](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HCR 37](#), [HCR 38](#), and [H 391](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[HJM 10](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 386](#), as amended, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 444](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [HCR 36](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 414](#), [H 404](#), and [H 430](#) retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 451](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Simpson to open debate.

The question being, "Shall [H 451](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 451](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 453](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin to open debate.

The question being, "Shall [H 453](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 453](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 435](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Durst to open debate.

The question being, "Shall [H 435](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 435](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HP 3](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Higgins to open debate.

The question being, "Shall [HP 3](#) be adopted?"

Whereupon the Speaker declared [HP 3](#) adopted by voice vote and ordered the proclamation transmitted to the Senate.

[H 421](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [H 421](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 69.

NAYS – Wood(35). Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 421](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 422](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [H 422](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 69.

NAYS – Wood(35). Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 422](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 432](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [H 432](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Hart, Shepherd(08). Total – 2.

Absent and excused – Smith(24). Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 432](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Tuesday, February 9, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:13 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk